

1 JOHN J. FRENI, ESQ. (Bar No. 132912)
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4 Attorneys for Defendant, MARIO RENDA

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8 **UNITED STATES DISTRICT COURT**
9 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

10 AIRLINES REPORTING CORPORATION,

11 Plaintiff/Judgment Creditor,

12 v.

13 COMMERCIAL TRAVEL
CORPORATION d/b/a MATLOCK
TRAVEL, *et al.*,

14 Defendants/Judgment Debtors.
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CASE NO. 08-MC-00088

DEFENDANT MARIO RENDA'S NOTICE
OF MOTION AND MOTION FOR
ATTORNEY'S FEES AND COSTS
PURSUANT TO FEDERAL RULES OF
CIVIL PROCEDURE, RULE 54 (d)(2)(A)

Date: September 22, 2008
Time: 3:30 p.m.
Ctmm: 1, 4th Floor
Judge: Hon. Irma E. Gonzalez

Judgment: September 4, 2007

18 TO: PLAINTIFF AIRLINES REPORTING CORPORATION ("ARC") AND ITS
19 ATTORNEYS OF RECORD:

20 PLEASE TAKE NOTICE that on September 22, 2008, at 3:30 p.m., in Department 1
21 of the above-entitled court, Defendant MARIO RENDA will move the Court for an order
22 awarding him the attorney's fees and costs he has incurred in these proceedings.

23 Mr. RENDA brings this motion under Federal Rules of Civil Procedure, Rule 54
24 (d)(2)(A) on the grounds that the Agent Reporting Agreement ("ARA") upon which Plaintiff
25 AIRLINES REPORTING CORPORATION ("ARC") sued Mr. RENDA contains a provision
26 that allows for the recovery of attorney's fees and costs when proceedings are "adjudicated or
27 otherwise resolved" in favor of the Agent. The ARA is governed by Virginia law, which
28 allows parties to shift the responsibility for attorney's fees to the losing party in disputes

1 involving the contract. *W. Square, L.L.C., v. Communications Techs, Inc.*, 274 VA 425, 433
2 (2007).

3 This Court granted Mr. RENDA's motion to vacate ARC's default judgment on
4 August 1, 2008. Pursuant to the ARA, Mr. RENDA is entitled to recover his attorney's fees
5 and costs. Accordingly, Mr. RENDA respectfully requests attorney's fees of \$32,402.50 and
6 costs of \$752.80.

7 Mr. RENDA's motion will be based on this notice of motion and motion, the
8 supporting memorandum of points and authorities, declaration of John J. Freni and notice of
9 lodgment, and on any additional evidence or arguments presented by counsel during the
10 hearing on the motion.

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12 Dated: August 15, 2008

JOHN J. FRENI, ESQ.
A Professional Law Corporation

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14 By: s/ JOHN J. FRENI, ESQ.
15 Attorneys for Defendant, MARIO RENDA
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